



Phillips Lytle LLP

Via PACER

December 7, 2023

Hon. H. Kenneth Schroeder, Jr.
United States Magistrate Judge
United States District Court for the
Western District of New York
2 Niagara Square, 7th Floor
Buffalo, New York 14202

Re: *Anthony Rebmann v. Astec, Inc. et al. v. Gernatt Asphalt Products, Inc.*
Case No. 1:21-CV-00879-JLS-HKS

Dear Judge Schroeder:

We write in response to the letter filed by Plaintiff's counsel on December 6, 2023. Doc. No. 58. For the reasons set forth in Astec's letter to the Court, dated December 1, 2023 (Doc. No. 54), we respectfully submit that your Text Order dated December 4, 2023 (the "December 4th Order") (Doc. No. 57) correctly extended the deadline for the depositions of fact witnesses, including Astec and Gernatt employees and former employees. By extending this deadline, the December 4th Order prevented substantial prejudice to the defense that would result from a February 2, 2024 deadline to conduct the Gernatt depositions.

Respectfully submitted,

Phillips Lytle LLP

By

William D. Christ

cc All Counsel (*via PACER*)

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